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Kind: AGREEMENT MISCELLANEOUS
Recorded: 10/31/2019 at 08:00:15 AM
Fee Amt: \$0.00 Page 1 of 4
Revenue Tax: \$0.00
Polk County Iowa
JULIE M. HAGGERTY RECORDER
File# 2019-00039672

BK **17568** PG **874-877**

RETURN TO:

**AFTER RECORDING RETURN
TO BECKY DEWEY,
AUDITOR'S OFFICE**

Prepared by/Return to:	Larry J. Handley, 2575 North Ankeny Blvd., Suite 221, Ankeny, Iowa 50023 (515) 965-1200
Title of Document:	Hold Harmless Agreement for Plantings on Land Subject to Sanitary Sewer Easement
Grantor's Name:	D.R.A. Properties, L.C.
Legal Description:	Below on this page

**HOLD HARMLESS AGREEMENT for PLANTINGS
on LAND SUBJECT TO SANITARY SEWER EASEMENT**

(Dedication Incident to Platting)

D.R.A. PROPERTIES, L.C., (hereinafter referred to as the "Grantor"), in consideration of the approval by Polk County, Iowa, of the subdivision plat in which a sanitary sewer easement is located, does hereby commit unto the Polk County, Iowa, (hereinafter referred to as the "County"), a Hold Harmless Agreement for Plantings on Land subject to the Permanent Easement For Sanitary Sewer under, over, through and across the following described property:

Lot 3, Lot 4, Oulot "X" and the East 25.00 feet of Lot 1 and Lot 2
ELDER BUSINESS PARK, an Official Plat recorded in Book
8609 Page 418 in the Office of the Polk County Recorder, Polk County,
Iowa, located within Section 1, Township 79 North, Range 24, West
of the 5th PM (Saylor Township) Polk County, Iowa, **TO BE KNOWN AS**
"ALBAUGH INDUSTRIAL PARK PLAT 10",

for the purpose and on the conditions as set forth herein:

The undersigned are in agreement that in order for the Grantor to comply with the requisite landscaping requirements of the County for the above-referenced Plat, the Grantor will be required to utilize ground located within the Sanitary Sewer Easement boundaries for said Plat. The County is in agreement to allow such plantings for compliance purposes; however, any plantings that may exist within the boundary of the Sanitary Sewer Easement as legally described herein, may be removed in the event of repairs, reconstruction or maintenance of the sanitary sewer. The Grantor shall hold the County, its Board of Supervisors, Elected and Appointed Officials, Officers, Directors, Employees, Agents, their predecessors, successors and Assigns harmless from and against any and all claims, disputes, demands, liabilities, damages, loss, cost and expense resulting from any damage or destruction caused by the actions necessary to

Res. No. 188-19
October 29, 2019

RESOLUTION

Moved by Brownell, Seconded by Van Oort that the following Resolution be adopted:

WHEREAS, D.R.A. Properties, L.C. is in the process of re-platting the following real estate as Albaugh Industrial Park Plat 10:

Lot 3, Lot 4, Outlot 'X' and the East 25.00 feet of Lot 1 and Lot 2 of Elder Business Park, an Official Plat recorded in Book 8609, Page 418 in the Office of the Polk County Recorder, Polk County, Iowa, located within Section 1, Township 79 North, Range 24 West of the 5th P.M. (Saylor Township), Polk County, Iowa.

WHEREAS, Polk County, Iowa has agreed to allow D.R.A. Properties, L.C. to plant landscaping materials within the public Sanitary Sewer Easement in order to comply with the landscaping requirements for the development of lots within the future subdivision plat of Albaugh Industrial Park Plat 10, per the attached Agreement between Polk County and D.R.A., L.C.; and

WHEREAS, D.R.A. Properties, L.C. has agreed that landscaping materials may be removed in the event of repairs, reconstruction or maintenance of the sanitary sewer and shall be replanted as necessary upon completion of said repairs, reconstruction or maintenance, and that no trees shall be planted within ten (10) feet of any manhole, and furthermore that they shall hold Polk County harmless from and against any and all claims, liabilities, expense, etc. resulting from damage or destruction caused by the actions necessary to complete any requisite repairs, reconstruction or maintenance of the sanitary sewer, per the attached Agreement between Polk County and D.R.A. Properties, L.C.; and

NOW, THEREFORE, BE IT RESOLVED that Polk County, Iowa approves the attached Agreement between Polk County and D.R.A. Properties, L.C. and authorizes the Chairperson of the Polk County Board of Supervisors to sign the Resolution; and

BE IT FURTHER RESOLVED that the Polk County Auditor is hereby directed to record the Agreement and the Polk County Public Works Department shall administer the terms of the Agreement.

POLK COUNTY, IOWA

Angela Connolly
Interim Chairperson

RECOMMENDED FOR APPROVAL:

Robert Rice
Robert Rice, Director
Polk County Public Works

ROLL CALL
FOR ALLOWANCE

Steve Van Oort	<u>Yea</u>	Nay
Robert Brownell	<u>Yea</u>	Nay
Angela Connolly	<u>Yea</u>	Nay
Matt McCoy	<u>Yea</u>	Nay
Tom Hockensmith	<u>Yea</u>	Nay <u>a</u>
	<u>Yea</u>	Nay <u>1-ABSENT</u>
Above substitution made by <u>BD</u>		

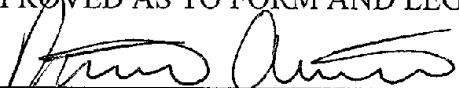
OCT 29 2019

ALLOWED BY VOTE
OF BOARD

Angela Connolly
INTERIM CHAIRPERSON

#10

APPROVED AS TO FORM AND LEGAL MATTERS:


Assistant County Attorney

FISCAL NOTE: None